

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO.: 1:04CV98-T

FILED
CHARLOTTE, N. C.
U. S. DISTRICT COURT
W. DIST. OF N. C.

VANCE CLIFFORD DALTON and
KAY S. DALTON,

Plaintiffs,

v.

LARRY PIERSON, Individually and
officially as Henderson County Deputy
Sheriff, et al.,

Defendants.

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b)
[Federal Question]

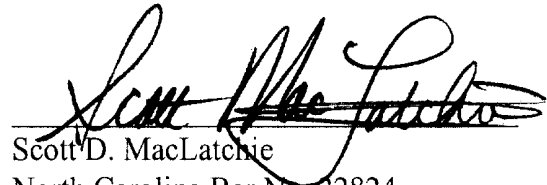
TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant George H. Erwin, Jr. hereby removes to this Court the state court action described below.

1. On April 27, 2004 a Complaint was filed in Henderson County Superior Court entitled Vance Clifford Dalton and Kay S. Dalton vs. Larry Pierson, et al., Defendants, as Case No.04 CVS 693. A copy of the Complaint is attached hereto as Exhibit "A."
2. The first date upon which Defendant received a copy of said Complaint was when it was received by mail on May 5, 2004.
3. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) in that the Complaint seeks damages for violation of federal civil rights pursuant to 42 U.S.C. §1983.

4. The Defendant seeking removal is the only Defendant who has been served thus far with the state court Complaint.

Dated: May 28, 2004

A handwritten signature in black ink, appearing to read "Scott D. MacLatchie", is written over a horizontal line.

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